

**MINUTES OF THE MEETING OF THE  
HAILEY CITY COUNCIL  
HELD MONDAY AUGUST 10, 2009  
IN THE HAILEY TOWN CENTER MEETING ROOM**

The Meeting of the Hailey City Council was called to order at 5:31 P.M. by Mayor Rick Davis. Present were Council members Carol Brown, Don Keirn, and Martha Burke. Staff present included City Attorney Ned Williamson, and City Clerk Mary Cone.

**AIRPORT ISSUES:**

Susan McBryant gave council an update from last Tuesday's Airport Authority meeting with the North West Regional FAA top managers. The message conveyed in this meeting was clear; the FAA has reviewed earlier decisions which indicated there are no further options to enhance the current airport landing approaches, better technology exists but cannot be implemented at Friedman Airports current site. The other clarification is that there are 3 potential airport sites being studied to determine financial feasibility and safety. Len Harlig summarized the end of this conversation and asked the FAA again, can the existing airport be granted waivers? FAA's response, no.

The big disappointment was that the entities who have been opposed to the idea of a new airport location were not present at this meeting. McBryant encouraged the council to approve Consent Agenda item 318 which is a letter of support to the U.S. Department of Transportation for the Small Community Air Service Development Program.

**PUBLIC COMMENTS:**

Leann Gelsky of 511 1<sup>st</sup> Avenue North – wants council to know about the challenges with Zou 75's club zou night once a month. Music starts at approximately 11 pm and plays very loud. Gelsky wants to make sure that this does not become a more than a once a month activity and that the noise is kept to a minimum because of the homes in close proximity of the restaurant.

**CONSENT AGENDA:**

- CA 318 Motion to authorize Mayor to sign support letter to U.S. Department of Transportation for Small Community Air Service Development Program regarding Friedman Memorial Airport
- CA 319 Motion to approve special event A Night of Music in Hailey on 8/17/09 at downtown businesses from 5 pm to 10 pm
- CA 320 Motion to approve special event Relay for Life benefitting the American Cancer Society on 8/14/09 and 8/15/09 at Wood River High School track from 5 pm to 9 am
- CA 321 Motion to approve and authorize the Mayor to sign annexation review agreement for Colorado Gulch
- CA 322 Motion to approve and authorize the Mayor to sign the COPS Hiring Recovery Program (CHRP) award document (grant application was ratified during April 13, 2009 meeting)
- ~~CA 323 Motion to approve renewal of annual Alcohol Beverage Licenses for Hailey businesses~~

- ~~CA 324 Motion to approve the selection of HDR Engineering for the Wastewater Dept. TMDL and NPDES consulting work and approve scope of work and contract— Council authorized Public Works department to interview two firms (HDR and Centra) in 04/27/09 meeting~~
- CA 325 Motion to declare surplus equipment from Library and authorize library director to give 2 study carrels to a thrift store and give 5 DVD shelving units to a thrift store or dispose at the landfill
- CA 326 Motion to declare surplus equipment from Police department and conduct auction of said found and unclaimed bikes on 8/29/09 at 10 am
- ~~CA 327 Motion to approve minutes of July 14, 2009 and to suspend reading of them~~
- CA 328 Motion to approve minutes of July 20, 2009 and to suspend reading of them
- ~~CA 329 Motion to approve minutes of July 21, 2009, and to suspend reading of them~~
- ~~CA 330 Motion to approve minutes of July 27, 2009, and to suspend reading of them~~
- CA 331 Motion to approve claims for expenses incurred during the month of June 2009, including dispatch payment for having received acceptable service for the prior month
- CA 332 Motion to approve treasurer's cash report, including LOT report

Cone pulled items CA 324 and CA 329.  
Brown and Keirn pulled item CA 323 for discussion.  
Burke pulled CA 330 to abstain.

**Motion made by Keirn to approve all consent items minus CA 323, CA 324, CA 327, CA 329, and CA 330 seconded by Brown, motion passed unanimously.**

CA 323 Brown wanted to pull this item and approve the alcohol licenses but she wants Zou 75 (Rob Cronin) to know about the public concerns of the loud music. Mayor Davis offered to call Cronin to discuss this matter with him.

**Brown made a motion to approve CA 323, seconded by Keirn, motion was approved.**

CA 324 - Cone pulled this item to add the following language to the motion: "...and authorize the Mayor to sign."

**CA 324 – Burke makes motion to approve as amended, seconded by Keirn, motion passed unanimously.**

CA 327 - Pg 69, 3<sup>rd</sup> paragraph, - Brown was not talking about a condition but noxious weeds. Remove sentence beginning with "Brown suggested modifying...."

**Brown moves to approve CA 327 as amended, seconded by Burke, motion passed unanimously.**

CA 329 – on page 86 of the packet 5<sup>th</sup> paragraph should read "Haemmerle commented that this condition does not currently include the reclaimed water rights."

**Brown moves to approve CA 329 as amended, seconded by Keirn, motion passed unanimously.**

CA 330 – Burke pulled this item to abstain as she was not at this meeting.

**Brown makes a motion to approve CA 330, seconded by Keirn, motion passed with Burke abstaining.**

**MAYOR'S REMARKS:**

**PROCLAMATIONS & PRESENTATIONS:**

*PP 333 Results from Sustainable Building Committee's outreach efforts to date*

Mariel Platt, Hailey Planner discussed the recent roundtable discussion (sponsored by Blaine County and the City of Hailey) which attracted approximately 80 people. The group attending consisted of local professionals including Architects, General Contractors, city/county staff and general stakeholders. A survey was conducted and the results are in council's packet tonight.

Platt handed out to council an article from the New York Times talking about this subject.

Brown asked about the cost concerns with sustainable building, and wondered did the subject come up. Platt confirmed that everyone is concerned about the costs and they discussed a 5 year return on when one could see the benefits to sustainable building. Platt ended with stating that the Sustainable Building Committee is working on a list of recommendations for council to consider.

**APPOINTMENTS & AWARDS**

**PUBLIC HEARINGS:**

*PH 334 A city initiated text amendment to Article 4.13.8 of Hailey Zoning Ordinance No. 532. The amendment would clarify that a building could be added on to without the removal of internal lot lines, as long as the setbacks measured from the nearest Original Townsite lot line were met. The Hailey Planning & Zoning Commission recommended the amendment to the City Council on July 6, 2009*

Mariel Platt gave council a background on this amendment which is to clarify and help reduce the confusion around past interpretations of this section. Page 167 in the packet has illustrations which explain the changes clearly.

Brown asked about the intent, if you increase the amount of non conformities then you must do a lot line adjustment? You are okay if you are not increasing any non conformity or if you are not creating any new non conformity, replied Platt.

**Public Comments:**

Paul Bernstein has his shop is sitting on an alley, if he were to remodel, would he have to move his garage back? Bernstein is located at 417 1<sup>st</sup> Ave. North. Robrahn stated that he is referring

to something different, an encroachment on the cities right of way. Mayor Davis encouraged Bernstein to call the city planning staff to get his question answered.

Burke is okay with this item.

**Burke moved to approve Ordinance 1031 and authorize the Mayor to conduct the 1<sup>st</sup> Reading, seconded by Keirn, motion passed unanimously.**

**Mayor Davis conducted the 1<sup>st</sup> Reading of Ordinance 1031 by title only.**

*PH 335 Go Blaine Resolution 2009-10 promoting economic vitality in Blaine County*

Mayor Davis believes this is a good cause and would like to see this come to fruition.

Mayor Davis opened the floor to public comments. There were no comments.

**Keirn makes motion to approve 2009-10 resolution and authorize the Mayor to sign, seconded by Burke, motion passed unanimously.**

*PH 336 Public Hearings on Water and Planning rate changes and 2009 / 2010 Budget hearing*

a) *Fee changes for water use over 60,000 gallons per month*

Becky Stokes gave an overview of the user fees; this information is in council's packet tonight.

Peter Lobb 403 E. Carbonate talks to council about the increased fees. Lobb feels that people with large lots will pay unnecessarily when compared with people with small lots watering in excess. Lobb proposes to charge fees proportionate to property square footage. Lobb recommends to council to table this item to research/discuss more sophisticated ways to charge for excessive water use.

Burke understands clearly what Lobb is saying as she has a large lot but she does not feel Lobb's suggestion is the way to go. Keirn wants to move forward with this as does Brown. But, Brown is okay to have staff research more into this.

b) *New proposed planning fees - An Ordinance establishing a revised Fee Schedule that adds new fees for applications for design review of projects with no substantial impact, modifications to projects which have received design review approval, and recommendations for design review exemption; that revises the fee for duplexes in the Townsite Overlay District and accessory structures; that eliminates the separate fee for rezones with development agreements, and consolidates the text amendment fees*

Robrahn did research other municipalities' fees in the valley. Robrahn feels these are reasonable fees. Brown sees that other cities are very expensive.

**Motion made by Burke to adopt Ordinance 1032 for a revised Planning fee schedule and authorize the Mayor to conduct the 1<sup>st</sup> Reading by title only, seconded by Keirn, motion passed unanimously.**

**Mayor Davis conducted the 1<sup>st</sup> Reading of Ordinance 1032 by title only.**

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c) *2009/2010 General Budget hearing*

Mayor asked if council or staff has any questions.

Keirn asked about the dispatch being in the Police Department's budget solely. Gunter replied that most of the dispatch calls come from the police department and therefore it makes more sense to come out of only one department's budget.

Anna Mathieu from Blaine County Housing Authority (BCHA) thanked council for their continued support to the BCHA. Mathieu and Kathy Grotto are present tonight to answer any questions council may have of them. Kathy Grotto submitted a draft contract with their budget. Grotto can work with Williamson with any changes he may have.

A final budget will be presented in the next meeting added Williamson.

*PH 337 Cox Franchise agreement discussion*

Williamson gave council an overview of the budget. Brown asked if will get cable to our wastewater plant. Williamson answered not sure; we've tried that unsuccessfully in the past. This will be brought back to council after the Public Hearing notice and a 30 day waiting period.

*PH 338 Discussion of proposed Resolution regarding a bus loading zones in front of bus stops within the City of Hailey*

Robrahn let council know that Mountain Rides has asked for a loading zone in front of the bus stop at Bullion and River Streets. Robrahn indicates that she thought we should consider all the potential loading zones. Keirn and Brown are concerned about losing spaces but they understand the need for loading zones. Robrahn reminded council that the bus service reduces individual vehicle traffic and that these bus stops have been around since 2002. Brown would like to discuss this with the merchants in close proximity to these bus stops and confirm that they are okay with the new loading zones. Robrahn pointed out that the first one to be assigned is in front of the Hailey Park and Ride lot. Council is okay with this location but they are more concerned with the Main Street bus stops.

On the proposed resolution, 2<sup>nd</sup> column should read "stops on the **west** side of Woodside Boulevard, added Robrahn; not the east.

Williamson suggests to council to amend this by taking out the Main Street stops.

Mayor Davis opens the floor to public comments.

Jason Miller of 830 Sunrise Drive and Executive Director of Mountain Rides spoke to council. Miller concurs with Robrahn's overview and indicated that Chevron and Albertsons are the two most challenging stops when cars are taking up all the parking spots by the bus stop. Miller does

not anticipate the bus stop route to change much in regards to Main Street. Miller thanked council for their support.

**Burke moved to approve this Resolution 2009-11 minus the Main Street stops and Robrahn's correction of West side of Woodside Blvd. in the second column, seconded by Keirn, motion passed unanimously.**

### **NEW BUSINESS:**

*NB 339 Discussion of an amendment to Title 8 of the Hailey Municipal Code to revise the nuisance ordinance*

Williamson has incorporated council's comments from the last meeting as well as staff recommendations.

Mayor Davis asked Williamson draft this amendment due to theoretical declining property values due to negligent maintenance. Davis understands that this ordinance will be a challenge to enforce if adopted. Davis would like to see this item issued as a Public Hearing to gain public comment on this recommendation.

*NB 340 Discussion regarding Birdwood Development Agreement*

Carol Brown recused herself from this discussion.

Williamson had this information emailed to council late Friday after the packet was printed. Williamson pointed to a few items in the agreement, a potential ADU on this property in the future. The agreement should be effective upon the closing of the sale of this property, added Williamson. And changing the signature name from Dean Holter to Roger Crist with Idaho Capital, ended Williamson.

Roger Crist spoke on behalf of Idaho Capital, they are okay with Williamson's conditions. Jamie Coulter is happy with the agreement.

**Keirn moved to approve as amended the Birdwood Development Agreement to be effective upon closing and authorize the Mayor to sign, seconded by Burke, motion passed unanimously.**

Brown returned to the meeting.

### **STAFF REPORTS:**

Keirn attended the Fly Sun Valley Alliance this morning. There was a bit of confusion at the Ketchum City Attorney's comment that Minimum Revenue Guarantees are illegal for cities to

contribute. Williamson could do research but since there is no extra money in the budget then he feels that he should no spend any time on this topic. Council agrees with Williamson.

Mayor Davis forwarded an email to council from Anna Svidgal regarding potential camping sites around Hailey. Mayor would like to work with Blaine County and the Bureau of Land Management to find some eligible areas for camping.

**EXECUTIVE SESSION:** Real Property Acquisition (IC 67-2345.c)

**Burke makes motion to go into Executive Session regarding real property acquisition IC 67-2345.c, seconded by Keirn, motion passed by roll call vote. Brown, yes. Keirn, yes. Burke, yes.**

**Council and Mayor went into Executive Session at 6:52 pm.**

Mayor and council adjourned the meeting at 7:20 pm.

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Rick Davis, Mayor

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Mary Cone, City Clerk